

## **Remarks**

This Response is considered fully responsive to the Final Office Action mailed 12 October 2007. In this Response, no claims are canceled. Claim 1 is amended for clarification. Claims 16 and 17 are added. Therefore, claims 1 – 7, 9, and 14 – 17 are now pending in the application. Reexamination and reconsideration are requested.

## **Rejections Under 35 U.S.C. § 102, Swildens**

The Examiner has rejected claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(e) as being anticipated by Swildens et al., U.S. Publication No. 2005/0033858 A1 (“Swildens”). The Applicant respectfully traverses the rejection for at least the following reasons.

Swildens relates generally to a global traffic management (GTM) system in which the Speedera DNS server (SPD) “acts as the traffic cop for the entire network”. The SPD handles the DNS requests from the clients, resolving hostnames to IP addresses. By having the load-balancing intelligence in the global SPD, clients can be directed to the particular servers that are ideally suited to service the client requests. For each service, there is more than one IP address. See Swildens, [0184]. Because “each computer has a different IP address, the Global Traffic Management service can be used to load-balance between individual computers.” Swildens, [0187], [0240].

By contrast, in the present Application, a common address is assigned to multiple DNS servers. The common address is advertised to the network so that individual routers can direct the user requests to the topologically closest DNS devices. By using individual routers and a common address for DNS servers, embodiments of the present invention do not need the complexity of a global traffic management system, as described in Swildens.

Referring now to the claim rejections, claim 1 recites, in part, “assigning to the DNS devices a common address.” The Office asserts that this step is disclosed in Swildens at [0371]. The cited section is reproduced here:

“[0371] The network provides load balancing at the DNS level. As in content hosting, the customer will either delegate a DNS name to Speedera or be assigned a speedera.net domain name. When the Speedera DNS server receives a request to map a name to IP address it will return an IP address that is best suited to handle the response. The IP address returned will be the server that is closest to the user

(latency), has the least load and that is available and can handle hits to that domain name.”

The foregoing section of Swildens simply does not mention assigning a common address to a DNS or anything like that. In fact, the foregoing section suggests that the Speedera DNS is choosing among different IP addresses to select a particular DNS that is best suited to handle the response. If anything, the cited section suggests that the DNS’s are *not* assigned a common address.

The Office asserts that assigning the speedera.net domain name to the DNS is the same as assigning a common address. Applicant respectfully disagrees. There is a clear distinction between a domain name and an address (e.g., an IP address). For example, a domain name takes the form “speedera.com”, which is what a human can read. An IP address, on the other hand has the form 10.102.42.0. The Swildens system maps a name to an IP address of a particular server that can handle the request, rather than assigning a common IP address to the servers. Swildens makes this clear with the heading “B. More than One IP Address Associated with that Service.” Swildens, [0184].

There are other examples throughout Swildens that indicate Swildens does not use a common IP address for multiple DNS servers. For example, Fig. 6E shows how the SPD monitors actual (different) IP addresses of individual servers for a web site. In Fig. 6E, for domain name “www.speedera.com/” the three different IP addresses are “209.24.35.130”, “204.71.35.135” and “204.71.35.134”. “The IP address of the actual server is shown in the heading of the table” so that tests can be performed on the actual server. Swildens, [0223]. Accordingly, Swildens’ global SPD acts as the traffic regulator for the entire network, resolving DNS queries to individual IP addresses, rather than assigning a common IP address to multiple DNS servers and advertising that common address to the network.

As such, Swildens fails to teach “assigning to the DNS devices a common address”. Therefore Swildens necessarily fails to teach “advertising, by each of the DNS devices, the common address” and “discontinuing advertising of the common address”.

For at least the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of claim 1, and its respective dependent claims.

### **Rejections Under 35 U.S.C. § 103, Swildens in view of Myers**

The Examiner has rejected claim 3 under 35 U.S.C. § 103(a) as being anticipated over Swildens in view of Myers et al., U.S. Publication No. 2003./0079005 A1 (“Meyers”). The Applicant respectfully traverses the rejection for at least the following reasons.

Claim 3 depends from claim 1. As such, Swildens fails to teach the elements of claim 3 that the Office asserts, for at least the reasons given above. As such, Applicant respectfully requests withdrawal of the rejection of claim 3.

### **New Claims**

New claims 16 and 17 have been added. Support for claims 16 and 17 can be found in the specification as originally filed at least in Fig. 4, line 7 of page 7, and lines 14 – 30 on page 8.

### **Conclusion**

Claims 1 – 7, 9, and 14 – 17 are currently pending in the application. Applicant has fully responded to each and every objection and rejection in the Final Office action dated 12 October 2007 and believes that claims 1 – 7, 9, and 14 – 17 are in a condition for allowance. Applicant therefore requests that a timely Notice of Allowance be issued in this case.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 31 October 2007

/Damon A. Rieth/

Damon A. Rieth Reg. No. 52167  
Attorney for Applicant  
USPTO Customer No. 69316  
HENSLEY KIM & HOLZER, LLC  
1660 Lincoln Street, Suite 3050  
Denver, Colorado 80264  
Tel: 720-377-0770  
Fax: 720-377-0777